IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1300 OF 2002
IN
SUIT NO.1516 OF 2002

Societe Des Produits Nestle,
S.A. and another ... Plaintiffs

versus

Dhanwanti Confectionery
Works and Others ... Defendants

Rahul Kadam i/by H.W.Kane for plaintiffs

J.S.Chandnani for defendants

CORAM : S.C.DHARMADHIKARI, J.

DATE : 30th June 2005

PC :

1. A detailed and reasoned ad-interim order is granted on 2nd May 2002 in this matter which is filed for a perpetual injunction to restrain the defendants themselves or their agents etc. from infringing the plaintiffs' registered Trade-Mark "KIT KAT" in relation to chocolates, confectionery and other goods covered by the registration of said Trade-Mark. Mr.Chandnani appears for defendants 1 and 2. However, no affidavit is filed in reply to the Notice of

Motion. Other defendants are served. Affidavit proving service taken on record and marked "X". Mr.Chandani states that defendants 1 and 2 are agreeable to a decree on admission. They want to settle the matter. He has no objection to the ad-interim order being confirmed.

2. In the light of the fact that there is no affidavit in reply filed by the other defendants and defendants 1 and 2 have agreed to continuation of the ad-interim order, it is directed that ad-interim order passed on 2nd May 2002 to continue till hearing and final disposal of the suit.

(S.C.DHARMADHIKARI, J.)